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Introduction

Professor Elizabeth Price Foley of Florida State introduces some of the concepts you'll learn in this course on NSA surveillance.

<https://www.youtube.com/embed/TS1eUh9Y47M>

"Introduction to Understanding NSA
Surveillance On Demand" by the Institute
for Humane Studies

Description

Professor Elizabeth Price Foley of Florida State introduces some of the concepts you'll learn in this course on NSA surveillance.

The Current Scandal- How Did We Get Here?

Professor Elizabeth Price Foley explains that while NSA surveillance may be a hot topic now, this is not the first time.

<https://www.youtube.com/embed/NoCGx61fivY>

"The Current Scandal - How Did We Get Here?" by the Institute for Humane Studies

Description

Professor Elizabeth Price Foley explains that while NSA surveillance may be a hot topic now, this is not the first time.

Primary Sources

1. In 1975, Senator Frank Church appeared on Meet the Press to express his concern over government surveillance being turned on Americans. Church was the Chairman of the Church Committee, a senate committee that investigated abuses committed by intelligence agencies such as the CIA, FBI, and NSA. [Watch Senator Church's interview here.](#)

Exercise:

Problem:

Government surveillance has been a controversial issue since

- a. Edward Snowden leaked documents in 2013.
- b. since the Church Committee investigated intelligence agencies in the 1970s.
- c. the release of *1984* by George Orwell.
- d. the invention of the drone.

Solution:

b. since the Church Committee investigate intelligence agencies in the 1970s.

What Is Privacy Anyway?

Professor Elizabeth Price Foley discusses the concept of privacy: what it means, its relationship to liberty, and its limits.

<https://www.youtube.com/embed/bfbrl9YUTfI>

"What Is Privacy Anyway?" by the
Institute for Humane Studies

Description

Professor Elizabeth Price Foley discusses the concept of privacy: what it means, its relationship to liberty, and its limits.

Exercise:

Problem:

There are many ways to define privacy, but one aspect that nearly every definition shares is that

- a. privacy is inalienable.
- b. privacy is utilitarian.
- c. privacy must be balanced with the needs of the community.
- d. privacy comes from a divine creator.

Solution:

- c. privacy must be balanced with the needs of the community.

Can Privacy Be Waived?

Professor Elizabeth Price Foley discusses whether and under what circumstances privacy can be waived.

<https://www.youtube.com/embed/JMZA4zwe4mE>

"But I Don't Want My Privacy! - Can Privacy Be Waived?" by the Institute for Humane Studies

Description

Professor Elizabeth Price Foley discusses whether and under what circumstances privacy can be waived.

Exercise:

Problem:

According to the Supreme Court in *Smith v. Maryland*, the government can use communication data because

- a. threatening actions can be easily monitored through phone lines.
- b. the Fourth Amendment is unconstitutional.
- c. rights can be waived by a third party.
- d. individuals give up a reasonable expectation of privacy by using a third party (like a phone company).

Solution:

- d. individuals give up a reasonable expectation of privacy using a third party (like a phone company).

The Foreign Intelligence Surveillance Act
Professor Elizabeth Price Foley of Florida State University explains the Foreign Intelligence Surveillance Act.

<https://www.youtube.com/embed/vHo3aVrBTaw>

"The Foreign Intelligence Surveillance Act" by the Institute for Humane Studies

Description

Professor Elizabeth Price Foley of Florida State University explains the Foreign Intelligence Surveillance Act.

Exercise:

Problem:

To spy on US citizens under FISA, intelligence agencies must

- a. establish links between the citizen and foreign nationals.
- b. lobby Congress to allow the spying.
- c. obtain executive permission to spy on the citizen.
- d. convince the Foreign Intelligence Surveillance Court that the citizen is a foreign agent.

Solution:

- d. convince the Foreign Intelligence Surveillance Court that the citizen is a foreign agent.

What Is Section 702 of FISA?

Constitutional lawyer David Rivkin explains Section 702 of FISA.

<https://www.youtube.com/embed/Y-HJL8L56jo>

"What Is Section 702 of FISA?" by the
Institute for Humane Studies

Description

Constitutional lawyer David Rivkin explains Section 702 of FISA.

Exercise:

Problem: What does Section 702 of FISA allow the NSA to do?

- a. Collect metadata about American communications.
- b. Collect metadata about foreign communications.
- c. Collect the content of foreign communications.
- d. Arrest foreign terror suspects without a warrant.

Solution:

- c. Collect the content of foreign communications.

Is Section 702 Sweeping Up Americans' Communications?
Constitutional lawyer David Rivkin explains how the NSA collects
American's communications under Section 702 of FISA.

<https://www.youtube.com/embed/Kai5UjL8x0M>

"Is Section 702 Sweeping Up Americans'
Communications?" by the Institute for
Humane Studies

Description

Constitutional lawyer David Rivkin explains how the NSA collects
American's communications under Section 702 of FISA.

Exercise:

Problem:

Is Section 702 of FISA sweeping up Americans' communications?

- a. Yes, the technology used to collect foreign communications sometimes accidentally sweeps up American's communications too.
- b. Yes, Section 702 permits the collection of American communications.
- c. No, the NSA has very robust technology in place to prevent collecting American communications.
- d. No, NSA agents who accidentally collect American communications are prosecuted.

Solution:

- a. Yes, the technology used to collect foreign communications sometimes accidentally sweeps up American's communications too.

How Big Is that 702 Loophole that Sweeps Up Americans' Content?
Senator Ron Wyden explains why he's concerned about the NSA's ability to collect information about American citizens.

<https://www.youtube.com/embed/CJO8OwxW-Vw>

"How Big Is that 702 Loophole that Sweeps
Up Americans' Content?" by the Institute for
Humane Studies

Description

Senator Ron Wyden explains why he's concerned about the NSA's ability to collect information about American citizens.

Exercise:

Problem:

Why is Senator Wyden concerned about the NSA's ability to collect information about American citizens.

- a. Analyzing information about American citizens has taken time and resources away from analyzing foreign communications.
- b. American citizens now distrust intelligence agencies.
- c. Foreigners are more likely to commit acts of terrorism than American citizens.
- d. American's are constitutionally protected from searches without probable cause of wrongdoing.

Solution:

- d. American's are constitutionally protected from searches without probable cause of wrongdoing.

Additional Resources

1. What to learn more about Section 702? In [What is Section 702?](#), a panel of experts from TechFreedom, the ACLU, R Street, and the US Naval Academy discuss and debate Section 702, the controversial warrantless mass-surveillance provision of the Foreign Intelligence Surveillance Act (FISA).

FISA to the Patriot Act

Professor Elizabeth Price Foley of Florida State University introduce the section on the Patriot Act.

<https://www.youtube.com/embed/CRiKSP5pqQk>

"You've Learned about FISA, Now on to
the Patriot Act!" by the Institute for
Humane Studies

Description

Professor Elizabeth Price Foley of Florida State University introduce the section on the Patriot Act.

What Is the US Patriot Act?

Professor Elizabeth Price Foley of Florida International University explains how the US Patriot Act allows the NSA to collect metadata on Americans' communications.

https://www.youtube.com/embed/Q_8BRLCx5R0

Description

Professor Elizabeth Price Foley of Florida International University explains how the US Patriot Act allows the NSA to collect metadata on Americans' communications.

Exercise:

Problem: Section 215 of the Patriot Act allows the NSA to collect

- a. the content of American communications.
- b. the content of foreign communications.
- c. metadata about American communications.
- d. metadata about foreign communications.

Solution:

- b. the content of foreign communications.

What Is Metadata and Why Is It Collected?

Constitutional lawyer David Rivikin defines metadata and explains how it's used in surveillance.

<https://www.youtube.com/embed/7iiGgQj2P0M>

"What Is Metadata and Why Is It Collected?" by the Institute for Humane Studies

Description

Constitutional lawyer David Rivikin defines metadata and explains how it's used in surveillance.

Exercise:

Problem: Why is the NSA interested in collecting metadata?

- a. It allows the NSA to read the content of communications to find possible links to terrorism.
- b. It allows the NSA to track the purchases of American citizens to determine who is preparing to stage a terrorist attack.
- c. It allows the NSA to track American phone numbers calling phone numbers of known terrorists.
- d. It allows the NSA to track the movements of American citizens to determine who was present at terrorist attacks.

Solution:

- c. It allows the NSA to track American phone numbers calling phone numbers of known terrorists.

Is Metadata Collection Consistent with the 4th Amendment?
Constitutional lawyer David Rivkin discusses the constitutionality of metadata collection.

<https://www.youtube.com/embed/T0r02TpsIeI>

"Is Metadata Collection Consistent with
the 4th Amendment?" by the Institute for
Humane Studies

Description

Constitutional lawyer David Rivkin discusses the constitutionality of metadata collection.

Exercise:

Problem:

Why is the collection of metadata considered consistent with the Fourth Amendment?

- a. A special warrant has been granted to the NSA allowing them to collect metadata.
- b. The collection of metadata does not fall under the definition of search used in the Fourth Amendment.
- c. The Fourth Amendment includes a special provision for cases of domestic terrorism.
- d. Trick question! Metadata collection violates the Fourth Amendment.

Solution:

- b. The collection of metadata does not fall under the definition of search used in the Fourth Amendment.

Is Metadata Collection REALLY a Violation of Privacy?

Senator Ron Wyden argues why he believes metadata collection violates privacy.

<https://www.youtube.com/embed/2Cv1-65Q75E>

"Is Metadata Collection REALLY a
Violation of Privacy?" by the Institute for
Humane Studies

Description

Senator Ron Wyden argues why he believes metadata collection violates privacy.

Discussion Question

Senator Wyden argues that metadata provides the NSA a lot more personal information about American citizens than is typically realized. Do you believe that the collection of metadata violates the privacy of Americans? Why or why not? If it is a violation of privacy, do you believe that violation is justified? Why or why not?

A Tale of Two Whistleblowers

Professor Elizabeth Price Foley of Florida International University explains that Edward Snowden is not the first NSA whistleblower.

<https://www.youtube.com/embed/wRwbZnN3yDw>

"A Tale of Two Whistleblowers" by the
Institute for Humane Studies

Description

Professor Elizabeth Price Foley of Florida International University explains that Edward Snowden is not the first NSA whistleblower.

Primary Source

1. In 2010, Thomas Drake, a former senior executive at the NSA, was indicted under the Espionage Act for releasing information about the NSA's ThinThread program. In an interview with 60 Minutes' Scott Pelley, Drake told why he blew the whistle. [Watch Drake's interview here.](#)

Exercise:

Problem: A large problem in the lead-up to 9/11 was

- a. a lack of good information on terrorist threats to the United States.
- b. the inability of the NSA to properly analyze all the data it had.
- c. a large number of possible al-Qaeda attacks on US soil.
- d. open communication between intelligence agencies.

Solution:

- b. the inability of the NSA to properly analyze all the data it had.

The Balance Between Liberty and Security
Professor Elizabeth Price Foley of Florida International University
introduces the section on the tension between liberty and security.

<https://www.youtube.com/embed/BStvBTbIDvw>

"The Balance between Liberty and
Security" by the Institute for Humane
Studies

Description

Professor Elizabeth Price Foley of Florida International University
introduces the section on the tension between liberty and security.

Wrapping Things Up

Professor Elizabeth Price Foley of Florida State University wraps up what we've learned about the surveillance, privacy, and liberty.

<https://www.youtube.com/embed/0G5ykbuM8Nw>

"Wrapping Things Up" by the Institute for
Humane Studies

Description

Professor Elizabeth Price Foley of Florida State University wraps up what we've learned about the surveillance, privacy, and liberty.